

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE: TESTOSTERONE REPLACEMENT THERAPY PRODUCTS LIABILITY LITIGATION	MDL No. 2545
This Document Relates to All Cases	Master Docket Case No. 1:14-cv-01748  Hon. Judge Matthew F. Kennelly

**JOINT STATUS REPORT REGARDING SEARCH TERMS  
FOR ELECTRONICALLY STORED INFORMATION**

At the February 20, 2015 Case Management Conference and pursuant to the Court's minute entry dated February 23, 2015 (Docket No. 660), the Court directed AbbVie and the Plaintiffs' Executive Committee ("PEC") to provide a Status Report by March 9, 2015 regarding the status of negotiations on search terms for certain portions of custodial files. This report details steps taken and the progress made since that Conference.

At the Conference, counsel for AbbVie agreed for the first time to provide the PEC with search term hit reports ("analytics") to allow both sides to engage in a meaningful discussion of what the appropriate search terms should be. Following the conference, counsel met and conferred regarding both the scope and format of the search term hit reports. Counsel were able to engage in meaningful discussions regarding which search terms should be run for negotiation purposes, how those search terms should be run (stand-alone, in combination, etc.), and what the sample data set should be for the reports. As a result of those negotiations, AbbVie agreed to run searches for a greater number of terms and against a larger sample universe than it had originally anticipated, and Plaintiffs agreed to receive initial hit reports for a smaller set of terms than previously requested by the PEC.

After those meetings, AbbVie began the process of running the search term hit reports. Generation of these reports, which are necessary for further negotiations, has taken longer than originally anticipated. Specifically, AbbVie experienced unexpected technical issues associated with running the analytics. However, counsel for AbbVie spent several days last week correcting the problems and reported to the PEC that the technical issues were resolved. AbbVie further pledged to provide the initial analytics today and that additional data discussed during a March 6<sup>th</sup> teleconference will be provided on a rolling basis over the next day or two as it becomes available.

AbbVie reported to the PEC that it reviewed the initial analytics for completeness and accuracy. Based on that review, AbbVie anticipates supplying the PEC with its opening offer on potentially problematic search terms within the next 24 to 48 hours. From its limited initial review, AbbVie is hopeful that relatively few search terms will require additional negotiation. Accordingly, based on the current timetable for completion of the search term hit reports, counsel have tentatively scheduled an additional meet-and-confer session at the end of this week.

The discussions following the February 20, 2015 Case Management Conference were conducted in good faith and demonstrate a desire by the parties to conclude negotiations as quickly as possible.

In the meantime, custodial files are still being produced pursuant to search terms agreed to in other jurisdictions, as well as other non-custodial documents, including the documents produced in the *King v. Solvay* qui tam litigation.

Respectfully submitted,

s/ Trent B. Miracle

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Dated: March 9, 2015

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 9, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify the foregoing document is being served this day on all counsel of record via transmission of Notice of Electronic Filing generated by CM/ECF.

s/Michelle Hart Yeary  
Michelle Hart Yeary